

**DRAFT**  
MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N.C.

REGULAR MEETING:

19 APRIL 2005

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were Ed Kitchen City Manager; Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence. The Mayor recognized members of Boy Scout Troop 275, who led the Pledge of Allegiance to the Flag.

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The City Manager recognized Jennifer Alford, employee with the Fire Department, who served as courier for the meeting.

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The Mayor outlined Council procedure for conduct of the meeting.

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Mayor Holliday introduced a resolution honoring the memory of the late John West Red, Jr.

After Councilmember Gatten spoke to her personal relationship with Mr. Red and his contributions to the community, she read the resolution into the record and moved its adoption. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

76-05 RESOLUTION HONORING THE MEMORY OF THE LATE JOHN WEST RED, JR.

WHEREAS, on March 26, 2005, this community lost one of its outstanding community leaders with the death of John West Red, Jr.;

WHEREAS, Mr. Red, a native of Chattanooga, Tennessee was a graduate of The Middlesex School in Concord, Massachusetts and of Yale University where he held a Phelps Association scholarship;

WHEREAS, after receiving his commission, Mr. Red served on the USS Pampanito, SS-383 during World War II;

WHEREAS, he and his family relocated to Greensboro in 1969 and he became president of the Smith Richardson Foundation, Inc. where he worked to create and organize the Center for Creative Leadership and carried dual responsibilities as the president of both until 1973, when he became the first president of the Center for Creative Leadership after relinquishing his responsibilities with the Smith Richardson Foundation, Inc.;

WHEREAS, during his tenure with the Center for Creative Leadership, he became the center's first chief financial officer and senior vice president and in June, 1998 was honored with the title of president emeritus by the Board of Governors as well as having the Greensboro campus's courtyard named in his honor;

WHEREAS, Mr. Red worked tirelessly to create and lead the Well-Spring Retirement Community and was a

founding trustee and the first chairman of the board and president of Well-Spring and, in 1999, the center named its new facility The John W. Red, Jr. Center for Assisted Living;

WHEREAS, Mr. Red was a member of Holy Trinity Episcopal Church, where he was a Vestryman and Senior Warden, was a 35-year member of the Greensboro Rotary Club, a member of the Greensboro Country Club, the Yale Club of New York and served as a director of the North Carolina Children's Home and Board of Trustees for the Berkeley Divinity School at Yale;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of service rendered by John West Red, Jr., the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of John West Red, Jr.

2. That a copy of this resolution shall be delivered to the family of the late John West Red, Jr. as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Florence F. Gatten

Councilmember Gatten stated that a copy of the resolution would be delivered to family members as a symbol of Mr. West's great contributions.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family for property located at the southwest quadrant of Summit Avenue and Holland Road. He stated this matter was being heard on appeal filed by Julia Blizin after receiving a vote of 7 to 2 by the Zoning Commission to recommend approval of the rezoning.

Richard "Dick" Hails, Planning Department Director, used a context map and slides to describe the land uses and other characteristics of the subject property and surrounding area. He noted that the surrounded area included RS-7 Residential zoning and stated the Zoning Commission had voted 7-2 to approve the rezoning request.

The Mayor asked if anyone present wished to be heard.

The following citizens spoke in favor of the proposed rezoning:

Nicholas Shrouder, residing at 1609 Cobb Street, stated he owned the subject property. He spoke to his effort to address concerns of residents expressed at Zoning Commission hearing in March, shared details of his development proposal and expressed his opinion that the project was compatible with the area due to other existing RS-7 Residential zoning nearby.

The following citizens spoke in opposition to the proposed rezoning:

Julia Blizen, residing at 4505 Summit Avenue, requested Council to deny this request. She outlined her goals and criteria for harmonious development and shared her opinion that the area currently zoned RS-7 Residential and located near the proposed development was developed in a manner that had a negative impact on the surrounding area. Ms. Blizen stated that she supported RS-9 Residential zoning on this land tract and requested Council to require land developers to meet with neighbors in advance to achieve consensus prior to Council's consideration of rezoning requests.

Nancy Cavinaugh, residing at 4505 Summit Avenue, requested Council to deny the proposed rezoning. She

shared her opinion that the RS-7 Residential Single Family zoning in the vicinity was comprised of unsightly flag lots which would be inevitable in the development if the subject property were rezoned to RS-7 as proposed. She quoted previous statements of Council that reflected her opinion that flag lots are unsightly and stated she would support RS-9 Residential Single Family zoning.

The following citizens spoke in rebuttal in favor of the rezoning:

Mr. Shrouder stated it was his intent to develop the property in a quality manner without flag lots, advised that this condition had not been added because he had been unaware the condition could have been added to the proposal, and noted the approximate location of proposed residential sites on the context map presented earlier by Mr. Hails.

Councilmember Phillips stated that the developer's intent was not binding to the future development of the property.

Councilmember Perkins advised that this subdivision could have rights preexisting City zoning laws that could have a more detrimental impact than the rezoning currently requested.

Mr. Hails stated the proposed plan was not binding and spoke to the potential number of homes that could be built on the property if it were rezoned to RS-7.

Ms. Blizen expressed concern with respect to the lack of contact made with her by the applicant and reiterated her opposition to the proposal due to the absence of binding conditions to ensure the standard of development submitted to Council for illustrative purposes. She requested Council to deny the proposal.

Councilmember Johnson moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Mr. Hails stated that while the request was in conformity with the 2025 Connections Comprehensive Plan (Comp Plan) GFLUM, the key concern with this proposal was whether or not it was compatible with the surrounding area. Mr. Hails stated that because the Planning Department supported modest rezoning to create opportunity for investment and a variety of housing types; staff recommended support of the proposal.

Councilmember Phillips expressed concern with respect to potential negative results from creating excessive density in neighborhoods under the premise of compatibility with the Comp Plan. Councilmember Burroughs-White expressed her agreement and noted her additional concerns with respect to traffic access to and from the subject property.

After Councilmember Perkins shared his opinion that the property owners had a right to develop the property in this reasonable manner, various members of Council appeared to agree that specific conditions to assure compatible development were lacking in the proposal.

Councilmember Johnson moved to DENY the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was DEFEATED on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Phillips, and Vaughan. Noes: Perkins.

(A copy of the ordinance as introduced and defeated and other information is filed in Exhibit Drawer P, Exhibit Number 6 and is hereby referred to and made a part of the minutes. )

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning property from RS-12 Residential Single Family to Conditional District – Limited Office for property located on the east side of Nathanael Road between Westridge Road and Taliaferro Road. He stated this matter was being heard on appeal filed by Mark Stewart after receiving a vote of 9 to 0 by the Zoning Commission to recommend denial of the rezoning.

Mr. Hails presented a context map and photos to describe the subject property and surrounding area and summarized the rezoning request. He read into the record the five conditions included in the rezoning proposal and stated the Zoning Commission had voted 9-0 to deny the request.

The Mayor asked if anyone present wished to speak to this matter.

The following citizens spoke in favor of the proposal:

Gordon Cooper, residing at 117 A Green Valley Road, stated he had received an emergency call during the Zoning Commission meeting at which this case was considered and had been unable to stay for that hearing. After Mr. Cooper presented a copy of a map which he stated indicated compatible commercial zoning in the area of the subject property, Councilmember Phillips explained that this map was the Generalized Future Land Use Map, which in its complete original form contains a footnote to indicate that it does not reflect existing zoning. Mr. Cooper stated he planned to rent the subject property to run a business that would, in his opinion, have little impact on the adjacent residential neighborhood. He advised that it was his understanding that several nearby property owners supported the request and spoke to deed restrictions of the property. The City Attorney advised Council to disregard Mr. Cooper's statements concerning deed restrictions because they constituted here say. She advised that deed restrictions were a private matter.

The following citizens spoke in opposition to the rezoning request:

Sandra Rich, residing at 3307 Nathanael Road, expressed opposition to the proposed rezoning and stated she had not been contacted by the applicant or the property owner. Ms. Rich noted her location and proximity to the subject property, described the established residential characteristics of the neighborhood, and spoke to the encroachment of business property adjacent to the residential neighborhood over time.

Paul Troxler, residing at 309 Nathanael Road, noted the location of his property relative to the subject property and spoke to his history of living in the neighborhood. He described the encroachment of businesses on the residential neighborhood and expressed concern with regard to use of this street as a cut through for traffic. Mr. Troxler stated he represented two additional neighbors opposing the rezoning who could not be present and requested that Council deny the request.

Dick Cudworth, residing at 3209 Nathanael Road, spoke to current traffic problems in the area and expressed opposition to permitting office space in this residential neighborhood.

Councilmember Gatten spoke to her personal experience driving in this neighborhood and expressed agreement with respect to the severity and negative impact of traffic along Westridge Road.

Randy Lewis, residing at 3301 Nathanael Road, expressed concern with regard to increased traffic on Nathanael Road and noted negative impacts on the neighborhood that followed the rezoning of other residential property to business property. He encouraged Council to deny the request.

Speaking in rebuttal in favor of the proposed rezoning, Mr. Stewart explained why, in his opinion, there would be no negative traffic or aesthetic impacts from the business he planned to conduct at the location of the proposed rezoning. After Mr. Stewart advised that he did not plan to display a sign at the business, Councilmember Phillips questioned why one of the conditions attached to the proposal specified a sign size and noted that the condition could specify no signage.

Following additional brief discussion, Councilmember Bellamy-Small moved that the public hearing be closed. The motion was seconded by Councilmember Perkins.

Mr. Hails spoke to the limited degree the Comp Plan applied to this case and advised that staff recommended denial of the request.

Councilmember Phillips stated that the GFLUM Comp Plan document was, in his opinion, a potential source

of confusion for citizens, who did not understand that the GFLUM does not reflect existing zoning classifications. He requested that this be addressed by staff.

Councilmember Gatten moved that the ordinance be DENIED. The motion was seconded by Councilmember Johnson; the ordinance was DEFEATED on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

(A copy of the ordinance as presented and defeated and additional information is filed in Exhibit Drawer P, Exhibit Number 6 and is hereby referred to and made a part of the minutes.)

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Mayor Holliday introduced an ordinance rezoning from RS-9 Residential Single Family to Conditional District—RS-5 Residential Single Family for property located north and west of the terminus of Zola Drive, south of Collinswood Lane, west of Mizell Road and north of Denny Road. He stated this matter was being heard on appeal filed by Ronald W. Hefner after receiving a vote of 8 to 0 by the Zoning Commission to recommend approval of the rezoning.

Mr. Hails presented a context map and slides to describe the subject property and surrounding area. He summarized the request, read the three conditions included in the proposal into the record and stated the Zoning Commission had voted 8-0 to approve the request.

The Mayor asked if anyone present wished to be heard.

The following speakers spoke in favor of the rezoning request:

John Bostian, residing at 1708 Chesapeake Drive, and Tony Branson, residing at 5922 Hagan Stone Park Road, stated they planned to develop the property as proposed. Ms. Branson spoke to her family's history of ownership of the property and her intent to create a quality development. She presented pictures of the neighborhood and of homes that were built similarly to her constructions plans and advised that residents had been invited to meet with her to discuss the preliminary plans.

The City Attorney advised that the pictures of homes presented were for illustrative purposes and could not be considered unless their specific conditions were attached to the proposal.

Mr. Bostian presented a picture of an existing tree buffer and noted the proposal would enhance buffering on the subject property. He explained that, in his opinion, the lots needed to be RS-5 instead of RS-7 or RS-9 to provide a logical transition to a higher density area in the surrounding area as seen on the GFLUM. Councilmember Phillips stated that the GFLUM does not reflect existing zoning classifications.

The following speakers spoke in opposition to the rezoning request:

Donald Conrad, residing at 8 Mizell Court, spoke to his proximity and location with respect to the subject property. He noted that surrounding development was zoned as RS-9 or RS-12 Residential Single Family, advised that the proposed zoning would allow up to 49 units on the parcel, and expressed concern that six property lots would face his back yard. After he expressed concern with regard to loss of green space and potential negative traffic impact, Mr. Conrad requested Council to deny the proposal.

Ron Heffner, residing at 3512 North Church Street, stated he had attempted unsuccessfully to obtain a utility statement and advised that he did not wish to have to give up property for imminent domain. Mr. Heffner expressed concerns with regard to an existing retention pond impacted by Collinswood Drive and noted that an environmental study and utility drawings were not available prior to review of this zoning request.

James Moore, residing at 219 Denny Road, noted he shared concerns expressed by others with respect to cluster building. He presented pictures to illustrate water drainage problems at his property and neighbors' properties

and expressed concern that the additional development would increase flooding. He requested the zoning be maintained as currently zoned and expressed additional concern with regard to increasing pedestrian traffic.

Mike Laws, residing at 2601 Zolo Drive spoke to his history of residency in the neighborhood and his perception of negative impacts of traffic on Denny Road. He reiterated concerns expressed by Mr. Moore with respect to water run off and pedestrian traffic.

The following speakers spoke in rebuttal in favor of the proposal:

Ms. Branson spoke to her unsuccessful efforts to contact Mr. Heffner through phone calls and a letter. She stated that an engineer who would conduct a downstream environmental study following the rezoning outcome and provided some detail of discussions she had with some neighborhood residents regarding potential green space issues.

The following speakers spoke in rebuttal to oppose the proposed rezoning:

Mr. Conrad stated he was never contacted by the developer and had received no offer to mitigate the proposal with conditions. He expressed concern with the density proposed for the development and the lack of planning for the potential need for retention ponds.

Councilmember Perkins moved that the public hearing be closed. The motion was seconded by Councilmember Bellamy-Small and unanimously adopted by voice vote of Council.

Mr. Hails stated that because staff believed the Future Land Use Map supported this trend by transitioning from low density to higher density at Church Street, noted the impact of buffering and advised that staff recommended approval of the proposal.

Following brief discussion with regard to number of houses and lot sizes, Councilmember Perkins explained in detail his opposition to this development. Councilmember Burroughs-White stated she agreed the proposal contained too much density, was too isolated to be compared with other areas, and expressed her opinion that RS-9 zoning was sufficient. Councilmember Phillips stated that, in his opinion, the upcoming rewrite of the Development Ordinance should address putting overly high density housing in areas that could be susceptible to becoming substandard in the future.

After several other members of Council appeared to concur, Councilmember Vaughan moved that the ordinance be DENIED. The motion was seconded by Councilmember Burroughs-White; the ordinance was DEFEATED on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

(A copy of the ordinance as introduced and DEFEATED and additional information is filed in Exhibit Drawer P, Exhibit #6 and is hereby referred to and made a part of the minutes)

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The Mayor declared a recess at 8:10 p.m.

The meeting reconvened at 8:30 p.m. with all members of Council present.

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Mayor Holliday introduced an ordinance rezoning from RM-26 Residential Multifamily to Conditional District – General Office Moderate Intensity for property located at the southwest quadrant of West Smith Street and Spring Street. He stated this matter was being heard on appeal filed by Nancy Broadwell after receiving a vote of 6 to 2 by the Zoning Commission to recommend approval of the rezoning.

Mr. Hails presented a context map and slides to describe the subject and surrounding property. He summarized the request and read into the record two conditions submitted in the proposal.

In response to Councilmember Perkins, Mr. Hails provided a brief update on the status of Councilmember Perkin's request made in March to study this area for development planning. The City Manager advised that he had distributed information to Council that afternoon with regard to a process proposed for conducting a joint study of this neighborhood pending their consideration.

The Mayor asked if anyone present wished to speak to this matter.

The following speakers spoke in favor of the proposed rezoning.

Mark Isaacson, attorney with offices located at 101 West Friendly Avenue, presented information to Council and stated he represented the current property owner who wished to sell the property. Mr. Isaacson noted the planned office use of the property by a prospective buyer and proposed two additional conditions which had been determined following the March 14, 2005 Zoning Commission meeting. He requested Council to include two additional conditions in the proposal which he read into the record as follows:

- 3) A masonry or wood fence shall be installed along the property lines adjoining any residential zoned property.
- 4) The office building constructed on the property shall have its main entrance facing Smith Street.

Councilmember Johnson moved to add the proposed conditions as requested by Mr. Isaacson. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

Mr. Isaacson discussed in detail an area map and central business district map to illustrate the subject property and relevant characteristics. He presented various additional information, some of which was for illustrious purposes. The City Attorney advised Council that only issues relevant to the zoning request could be considered. Mr. Isaacson shared his opinions with respect to why the proposal would make good use of the property and noted his disagreement with the Planning Department staff's recommendation to deny the request. He asked Council to approve the rezoning.

Mahlon Honeycutt, residing at 6 Dunkirk Place, spoke to her history of property ownership in this area, shared her opinions with respect to why she believed the proposal was good for the neighborhood, and noted the wide variety of development options for the property under its current RS-26 zoning. Ms. Honeycutt expressed her support for locating the small business in the neighborhood.

Councilmember Carmany noted that illustrative renderings of the proposed business were not binding under the proposed zoning.

The following citizens spoke in opposition to the request:

Nancy Byrum, residing at 1836 Flat Rock Street in Winston Salem, spoke to property she owned in the vicinity of the subject property. She presented signatures of two neighborhood residents, purportedly in opposition to the proposal and unable to attend the meeting, and expressed concern with respect to the demolition of the existing older home on the property. Ms. Byrum shared her personal opinions with regard to the value of the unique character of older homes and residential housing in the area surrounding downtown. She requested Council to look at the long range potential of the impact of the proposed development and to keep this a historic area.

Cay Mitchell, residing at 3534-C Lawndale Drive stated she owned property at 426 North Cedar Street with her daughter who resided there and was unable to attend this meeting. She shared her opinion that other vacant office space was available in downtown Greensboro, that the home on the property should not be torn down, and that this could negatively impact the future existence of other homes in the downtown area.

Eleanor Motley, residing at 424 North Cedar Street, spoke to the value of preserving old homes in the downtown area and expressed concern that approval of this case could set a precedent for the rezoning of other nearby residential property to commercial in the future.

Julie Curry, Preservation Planner for Guilford County, stated she supported denial of the proposed zoning and

shared her opinions with respect to the significance of historic neighborhoods in the downtown area.

Marsh Prause, residing at 516 Woodlawn Avenue, stated he opposed the rezoning, spoke to the need for affordable housing in the downtown area, and requested Council to support the staff recommendation to deny the proposal.

Kimberly Madden, residing at 412 Crestland Avenue, spoke to her participation in community planning forums with Downtown Greensboro, Inc. She stated she had observed a consensus for mixed use for infill, but urged Council to consider preservation of historic structures.

Bob Madden, residing at 412 Crestland Avenue, shared his opinions with respect to available office space downtown and the need to have people down town. He proposed development of a plan to protect residential property in the downtown area.

Todd Rotruck, residing at 213 Wilson Street, noted similarities he has observed with the South Side neighborhood redevelopment. He stated that in his opinion, the proposal would conflict with residential characteristics and requested Council to deny the proposed rezoning.

Rhonda Isler, residing at 903 Fairmont Street, stated she served on the Greensboro Historic District Commission and had a longstanding interest in older neighborhoods in Greensboro. She stated she would like to see mixed use while protecting historic interests and opposed the proposal.

The following citizens spoke in rebuttal in favor of the proposed rezoning.

Mr. Isaacson noted characteristics of the location of the proposed rezoning. He advised that the location was, in his opinion, appropriate for the proposed commercial use by the purchaser stated the purchaser was offering the houses for relocation if there was such interest, and reiterated points he had made earlier in the meeting.

The following speakers spoke in rebuttal in opposition to the request:

Gail Barger, residing at 1503 Fairmont Street, shared her opinion with respect to the need to have residential property in the Bellemeade area to encourage people to walk through downtown. She requested Council to maintain the existing residential zoning.

David Hoggard, residing at 108 Cypress Street, spoke to the value of preservation in the Southside neighborhood and shared his opinion that Spring Street should remain residential.

Mr. Prause requested Council to deny the request at present, then vote to have Planning and Housing and Community Development Departments proceed with development of a planning process for this area.

Councilmember Johnson moved that the public hearing be closed. The motion was seconded by Councilmember Bellamy-Small and unanimously adopted by voice vote of Council.

Speaking to the GFLUM, Mr. Hails stated that in his opinion, the use proposed did not meet the intent of the Plan and there was a need to preserve downtown and its residential areas. He recommended that the request be denied at present to allow staff to proceed with the proposed area study and bring recommendations in future months.

Council discussed the existing RM-26 zoning, the need to identify other areas for affordable housing as part of the study, and advised that the study area included Council districts 2 and 3.

Councilmember Perkins shared his opinion that the applicant had a great plan for an office building on a corner lot, but that the historic value of the existing property was greater. He noted that the City does not have an historic preservation ordinance and expressed his desire that Council devise a way to preserve and create unique historic opportunities.

Councilmember Vaughan spoke to similarities of the proposed development to his law office and noted



substandard building conditions in the vicinity of the proposed rezoning.

Councilmember Carmany noted a similarity of issues in the College Hill neighborhood 20 years ago and suggested study was necessary prior to making changes. She expressed concern that the proposed business use was not a service to neighborhood residents.

Councilmember Phillips stated that because Spring Street was a major thoroughfare, he did not believe the existing houses would remain under the currently permitted RM 26 zoning classification and that the proposed office use was reasonable.

After Mayor Holliday noted the expense to maintain old homes, he expressed his support for this mixed use plan.

Councilmember Johnson stated she preferred to commit to the planning study prior to rezoning this property.

Councilmember Perkins suggested the possibility of the City rehabilitating the existing property and stated this decision was in his opinion, strategic in nature as opposed to a zoning decision.

After several members of Council mentioned various aspects of the proposed area study plan, on which they wished to receive additional information, the Manager advised that an update would be provided with regard to this process at the upcoming April Council briefing.

Councilmember Phillips moved adoption of the rezoning ordinance. The motion was seconded by Councilmember Johnson, the ordinance received five votes on first reading as follows: Ayes: Bellamy-Small, Gatten, Holliday, Phillips and Vaughan. Noes: Burroughs-White, Carmany, Johnson and Perkins.

The Mayor stated that because this ordinance had received a 5-4 vote in favor, it would be heard on second reading at the May 3, 2005 Council meeting.

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After Council discussed the Manager's recommendation with respect to a proposed process for doing a neighborhood study of the area adjacent to the rapidly developing Bellemeade portion of downtown. Councilmember Phillips requested that funding of public parking areas be addressed in the planning process. The Manager advised that he would provide Council with an update with the time line anticipated for this process at the April Council briefing.

Councilmember Burroughs-White moved that Council direct staff to direct the Planning Department to proceed with the study as outlined in the City Manager's memorandum provided earlier that day. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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Moving to the Consent Agenda, Councilmember Carmany moved adoption of the resolutions, ordinances and motions on the Consent Agenda. The motion was seconded by Councilmember Bellamy-Small; the Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 77-05 RESOLUTION RECOGNIZING APRIL 24 – 30, 2005 AS NORTH CAROLINA AIR AWARENESS WEEK

WHEREAS, clean air is essential to public health, the environment and the economy in North Carolina, Governor Michael F. Easley proclaimed April 24 – 30, 2005 as Air Awareness Week;

WHEREAS, the City of Greensboro recognizes that clean air is necessary so people can breathe without causing asthma, emphysema, and cardio/pulmonary problems;

WHEREAS, we need clean air to preserve our forests, streams and lakes for public recreation and wildlife;

WHEREAS, we need clean air to sustain tourism, agriculture and other aspects of the economy;

WHEREAS, the U.S. Environmental Protection Agency has designated non-attainment areas in or around Greensboro, due to elevated levels of ozone and particle pollution;

WHEREAS, the General Assembly and the Governor have enacted and signed critical legislation, including the Clean Smokestacks Act, for reducing emissions and improving air quality in North Carolina;

WHEREAS, the Division of Air Quality Department of Environment and Natural Resources and other Air Awareness partners across the state renew their efforts during the smog season, (April 30 through September 30) to educate the public about air quality issues.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That it recognizes April 24– 30, 2005 as North Carolina Air Awareness Week.

(Signed) Sandy Carmany

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05-77 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF GREENSBORO HOUSING AUTHORITY WEED AND SEED GRANT FUNDS FOR EXTENDED POLICE PATROL IN PUBLIC HOUSING

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3503-01.4210	Overtime	\$ 23,440
220-3503-01.4510	FICA Contribution	\$ 362
220-3503-01.4520	Retirement Contribution	<u>\$ 1,198</u>
TOTAL:		\$ 25,000

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3503-01.7100	Federal Grant	<u>\$25,000</u>
TOTAL:		\$25,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sandy Carmany

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05-78 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET  
FOR THE NEIGHBORHOOD RESOURCE CENTER AT THE GLENWOOD BRANCH OF THE  
GREENSBORO PUBLIC LIBRARY

Section 1:

BE IT ORDAINED BY THE CITY OF GREENSBORO:

That the FY 04-05 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5515-02.5224	Outside Printing	\$ 1,500
220-5515-02.5413	Consultant Services	36,000
220-5515-02.5520	Seminar/Training Expenses	500
220-5515-02.5540	Mileage Reimbursement	<u>2,000</u>
Total		\$40,000

And, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5515-02.8620	Donations & Private Contributions	<u>\$40,000</u>
Total		\$40,000

(Signed) Sandy Carmany

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78-05 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF SHAWMUT BANK CONNECTICUT  
(MARIOTT) FOR THE WENDOVER AVENUE INTERSECTION AND SIDEWALK IMPROVEMENTS  
PROJECT

WHEREAS, in connection with the Wendover Avenue intersection and sidewalk improvements project, the property owned by Shawmut Bank, Marriott, Tax Map No. 1-28-865-35 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$32,892.20 and the owner has agreed to settle for the price of \$33,300.00, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$33,300.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 441-6003-19.6012 Activity #01084.

(Signed) Sandy Carmany

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79-05 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 3, 2005 ON THE ANNEXATION OF  
TERRITORY TO THE CORPORATE LIMITS – 1008-1011 RONALD ROAD – 28.42 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of May, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (1008-1011 RONALD ROAD –  
28.42 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pipe in the existing Greensboro satellite city limits (as of March 31, 2005), said point being in the south line of Lot 1 in Phase 3 of Foxcroft subdivision, as recorded in Plat Book 125, Page 107 in the Office of the Register of Deeds of Guilford County, and being N 85° 57' 46" W 31.19 feet from the present southern terminus of the west right-of-way line of Brushy Fork Drive; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS with the west line of Milton L. and Lois P. Rollins, as recorded in Deed Book 2796, Page 404 in the Office of the Register of Deeds, S 07° 33' 54" W 391.17 feet to a stone, the southwest corner of Rollins; thence with the south line of Rollins S 82° 31' 13" E 562.05 feet to a point; thence continuing with the south line of Rollins S 82° 26' 11" E 103.63 feet to a point; thence S 07° 44' 03" W 273.58 feet to the northwest corner of the Pitman Road (SR 1109) right-of-way shown on Final Plat for David W. Stack and Marie R. Stack, as recorded in Plat Book 118, Page 117 in the Office of the Register of Deeds; thence with the north line of Lot 1 on said plat N 74° 49' 26" W 104.24 feet to a point; thence with the north line of said Lot 1 N 82° 21' 25" W 127.87 feet to a point; thence with the west line of said Lot 1 the following three courses and distances: 1) S 17° 27' 10" W 161.02 feet to a point, 2) S 84° 23' 51" E 99.75 feet to a point, and 3) S 17° 24' 52" W 366.25 feet to the southwest corner of said Lot 1; thence in a southerly direction, crossing Ronald Road, approximately 64 feet to the northwest corner of Lot 1 of Property of David W. Stack, as recorded in Plat Book 56, Page 10 in the Office of the Register of Deeds; thence along the west line of said Lot 1 S 17° 30' 20" W 444.65 feet to the southwest corner of said Lot 1; thence with the south line of Keystone Group, LLC N 84° 24' 42" W 864.70 feet to Keystone's southwest corner; thence N 17° 28' 07" E 875.39 feet with the west line of Keystone to a point on the east line of Love and Faith Christian Fellowship, Inc., as recorded in Deed Book 5069, Page 2171 in the Office of the Register of Deeds; thence with the east line of Love and Faith Christian Fellowship, Inc., as referenced above and also as recorded on Lot 1 of Love and Faith Christian Fellowship, as recorded in Plat Book 132, Page 51 in the Office of the Register of Deeds, to the northeast corner of said Lot 1, also being a point in the south line of the Common Area shown on Foxcroft, Phase 1, Map 2, as recorded in Plat Book 115, Page 67 in the Office of the Register of Deeds, said point being in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS with the south line of said Common Area and the south line of Lot 1 in Foxcroft, Phase 3 S 84° 23' 25" E 260.84 feet to the point and place of BEGINNING, and containing approximately 28.42 acres, of which approximately 27.68 acres lies outside of existing street right-of-way.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 3, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than April 23, 2005.

(Signed) Sandy Carmany

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80-05 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 3, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – 3600-3604 CASTLETON WAY – 28.11 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of May, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (3600-3604 CASTLETON WAY – 28.11 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pipe in the north right-of-way line of East Lee Street (SR 3037) at the southeast corner of Lot 4 of Property of Thomas D. Smitherman, Section 1, Map 1, as recorded in Plat Book 72, Page 39 in the Office of the Register of Deeds of Guilford County; thence N 6° 10' 04" E 1,152.40 feet with the east lines of said Lot 4 and of Lot 3 of Thomas D. Smitherman, Section 1, Map 2, as recorded in Plat Book 73, Page 127 in the Office of the Register of Deeds, and the east right-of-way line of Chariot Drive to an existing iron pipe/axle in said right-of-way line; thence with said right-of-way line the following two courses and distances: 1) S 88° 36' 15" E 3.45 feet to a new iron pipe and 2) N 2° 12' 05" E 211.64 feet a new iron pipe at the intersection of said right-of-way line and the south right-of-way line of Castleton Road; thence with the south right-of-way line of Castleton Road S 87° 47' 55" E 570.00 feet to a new iron pipe at the northwest corner of Michael R. and Dena N. Perdue, as recorded in Deed Book 5519, Page 552 in the Office of the Register of Deeds; thence with Perdue's west line S 2° 12' 05" W 204.30 feet to a new iron pipe at Perdue's southwest corner; thence with Perdue's south line and the south line of Charlene S. Lowe, as recorded in Deed Book 4361, Page 1197 in the Office of the Register of Deeds, S 86° 47' 32" E 328.58 feet to an existing iron pipe in Lowe's south line; thence with the west lines of Lots 20-15 and 6-4 of Gramercy Park, Phase 3, Section

2, as recorded in Plat Book 149, Page 54 in the Office of the Register of Deeds, S 0° 30' 57" E 1,124.97 feet to an existing iron pipe in the north right-of-way line of East Lee Street; thence with said right-of-way line the following two courses and distances: 1) N 89° 55' 26" W 483.01 feet to an existing iron pipe and 2) N 88° 47' 56" W 552.43 feet to the point and place of BEGINNING, and containing 28.11 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 3, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than April 23, 2005.

(Signed) Sandy Carmany

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81-05 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 3, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – 5011-5015 EAST LEE STREET – 8.93 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of May, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (5011-5015 EAST LEE STREET – 8.93 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a stone at the northeast corner of Lot 2 of Property of Hugh K. Sarvis & Betty G. Sarvis, as recorded in Plat Book 130, Page 46 in the Office of the Register of Deeds of Guilford County, also being the

northwest corner of Lot 59 of Glen Laurel, Phase 1, as recorded in Plat Book 130, Page 71 in the Office of the Register of Deeds; thence S 18° 15' 36" E 543.51 feet with the west lines of Lots 59-65 and Common Element of said Phase 1 to an existing iron pipe on the north right-of-way line of East Lee Street (SR 3037); thence with said right-of-way line S 75° 38' 03" W 770.90 feet to the southwest corner of Lot 1 of said Sarvis plat; thence N 15° 11' 30" W 485.63 feet along the west line of said Lot 1 to an existing iron pipe in the south line of Common Area of said Phase 1; thence N 71° 15' 38" E 743.15 feet with the south lines of said Common Area and Lots 50-56 of said Phase 1 to the point and place of BEGINNING, and containing 8.932 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 3, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than April 23, 2005.

(Signed) Sandy Carmany

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82-05 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 3, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – 5819-5823 HIGH POINT ROAD – 1.509 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of May, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (5819-5823 HIGH POINT ROAD – 1.509 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point that will be on the Greensboro city limit line as of May 31, 2005, said point being an existing iron pipe in the southeast right-of-way line of High Point Road on the northeast line of Lot 54 on plat of Jno. A. Suits Homeplace, recorded in Plat Book 13, Page 43 in the Office of the Register of Deeds of Guilford County, said point also being the westernmost corner of the property of The Moses H. Cone Memorial Hospital, described in Deed Book 3985, Page 1377 in the Office of the Register of Deeds; THENCE PROCEEDING WITH THE MAY 31, 2005 CITY LIMITS with the northeast line of Lot 54 S 44° 12' 23" E 146.96 feet to the easternmost corner of Lot 54; thence with the east lines of Lots 52-54 on said Suits plat S 02° 51' 50" W 203.34 feet to an existing iron pipe at the southernmost corner of Lot 52 on said Suits plat; THENCE DEPARTING FROM THE MAY 31, 2005 CITY LIMITS with the east line of property formerly of Frank A. and Gay J. Trella, described in Deed Book 4697, Page 1825 in the Office of the Register of Deeds, S 04° 54' 19" W 134.10 feet to a corner of said Trella property; thence N 43° 38' 29" W 376.95 feet with the southwest line of said Trella property to a point in the southeast right-of-way line of High Point Road; thence N 47° 03' 18" E 250.00 feet with said right-of-way line to the point and place of Beginning, and containing 1.509 acres more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 3, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than April 23, 2005.

(Signed) Sandy Carmany

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83-05 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 3, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – 4356 FOUR FARMS ROAD – 2.5 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;



WHEREAS, at a regular meeting of the City Council on the 3rd day of May, 2005, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (4356 FOUR FARMS ROAD – 2.5 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at A POINT IN THE EXISTING Greensboro city limits (as of March 30, 2005), said point being the southeast corner of Lot 15 of Property of J. E. Trescher, as recorded in Plat Book 15, Page 16 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the south line of said Lot 15 S 88° 19' W approximately 490 feet to a point on the east right-of-way line of Four Farms Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a northerly direction with said right-of-way line approximately 430 feet to a point in the north line of Lot 12 of said subdivision; thence S 86° 40' E with said north line approximately 292 feet to the northeast corner of said Lot 12, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the east lines of Lots 12-15 of said subdivision S 8° 10' 30" E 376.29 feet to the point and place of BEGINNING, and containing approximately 2.5 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 3, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than April 23, 2005.

(Signed) Sandy Carmany

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84-05 RESOLUTION CALLING A PUBLIC HEARING FOR MAY 3, 2005 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE WEST SIDE OF WATKINS GLEN ROAD – 0.612 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 3rd day of May, 2005, the following ordinance was introduced:

**AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF WATKINS GLEN ROAD – 0.612 ACRES)**

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of March 31, 2005), said point being the southeast corner of Roy C. and Martha H. Kasey, as recorded in Deed Book 2396, Page 556 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Kasey's east line N 14° 44' 04" W 54.73 feet to a point; thence N 65° 34' 17" E 59.50 feet with the south line of another tract of said Kaseys, as recorded in Deed Book 2154, Page 566 in the Office of the Register of Deeds, to a point; thence with the east line of said second Kasey tract N 5° 00' 16" E 85.88 feet to the southeast corner of Clarence E. Beasley, Jr. and Judy R. Beasley, as recorded in Deed Book 3221, Page 843 in the Office of the Register of Deeds; thence N 5° 09' 18" E 52.62 feet with Beasley's east line to the southwest right-of-way line of Watkins Glen Road; thence with said right-of-way line with a curve to the left having a radius of 166.28 feet and a chord bearing and distance of S 76° 33' 03" E 48.37 feet to a point; thence S 84° 54' 49" E 26.38 feet with said right-of-way line to a point; thence with said right-of-way line with a curve to the right having a radius of 34.29 feet and a chord bearing and distance of S 54° 39' 49" E 34.55 feet to a point; thence with said right-of-way line S 24° 20' 47" E 139.43 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 75° 24' 31" W 218.62 feet to the point and place of BEGINNING, and containing approximately 0.612 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2005, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2005. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, May 3, 2005 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as

above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than April 23, 2005.

(Signed) Sandy Carmany

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85-05 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Sandy Carmany

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86-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-04 WITH BREECE ENTERPRISES FOR THE BRICE STREET WATERLINE FOR THE BRICE STREET WATERLINE REHABILITATION PROJECT

WHEREAS, after due notice, bids have been received for the Brice Street Waterline Rehabilitation project;

WHEREAS, Breece Enterprises, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$549,000 as general contractor for Contract No. 2005-04, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Breece Enterprises is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$549,000 from Account No. 503-7014-01.6016 Activity #05076.

(Signed) Sandy Carmany

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87-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2004-26 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE ELM-EUGENE STREET PHASE I CULVERT IMPROVEMENTS PROJECT

WHEREAS, Contract No. 2004-26 with Yates Construction Company, Inc. provides for the installation of a major culvert on the S. Elm-Eugene Street project in preparation of roadway widening for the new Wal-Mart Super Center store;

WHEREAS, due to encountering and removing significant amounts of unforeseen and unsuitable subsurface material, as well as replacement material which was required, thereby necessitating a change order in the contract in the amount of \$106,200.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Yates Construction Company, Inc. for the Elm-Eugene Street Phase I Culvert improvements is hereby authorized at a total cost of \$106,200, payment of said additional amount to be made from Account No. 441-6003-05.6014 Activity #01058.

(Signed) Sandy Carmany

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88-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2004-063 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE PAINTER BOULEVARD WATERLINE RELOCATION PROJECT

WHEREAS, Contract No. 2004-063 with Yates Construction Company, Inc. provides for the relocation of the waterlines on Cromwell Road, Fairfax Road, Lark Road and Alamance Road in conjunction with the proposed Painter Boulevard project;

WHEREAS, due unforeseen work required when a significant amount of rock was encountered within the trench, specifically on Alamance Road, select backfill material was required, thereby necessitating a change order in the contract in the amount of \$27,109.64.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Yates Construction Company, Inc. for the Painter Boulevard waterline relocation project improvements is hereby authorized at a total cost of \$27,109.64, payment of said additional amount to be made from Account No. 503-7014-01.6016 Activity 05075.

(Signed) Sandy Carmany

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89-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 10377 WITH PRO CONCRETE CONSTRUCTION FOR INSTALLATION AND REPAIR OF CONCRETE ASSET IMPROVEMENTS

WHEREAS, Contract No. 10377 with Pro Concrete Construction provides for installation and repair of concrete asset improvements;

WHEREAS, due to the additional repair and replacement of concrete structures needed on streets that will be resurfaced this fiscal year, and curb, gutter, and sidewalk removal and replacement on Bellemeade Street which are required, thereby necessitating a change order in the contract in the amount of \$115,015.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Pro Concrete Construction for the installation and repair of concrete asset improvements is hereby authorized at a total cost of \$115,015, payment of said additional amount to be made from Account No. 402-4531-01.5990.

(Signed) Sandy Carmany

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Motion to approve report of budget adjustments for March 1-31, 2005 was unanimously adopted. A copy of the report is filed in Exhibit Drawer P, Exhibit Number 6 and is hereby referred to and made a part of the minutes.

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Motion to approve minutes of regular meeting of April 5, 2005 was unanimously adopted.

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Silverbrook Inc. in connection with the Wendover Avenue intersection and sidewalk improvements project—he stated this matter was continued from the March 15, 2005 meeting of Council.

After the City Manager advised that the matter was settled and no longer required Council action, Councilmember Burroughs-White moved that this item be deleted from the agenda. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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Mayor Holliday introduced a resolution authorizing the purchase of property in the amount of \$1,540,000 of Gerald Pegram for the Parks and Recreation South West Recreation Center.

City Manager Kitchen and Assistant City Manager Robert “Bob” Morgan spoke to the City’s efforts to negotiate and purchase suitable park property in this area of Greensboro. Assistant Manager Morgan outlined the funding and planning process. After Councilmember Carmany stated she had received concerns from area residents who did not want the property connected to Adams Farm Parkway, it appeared to be the consensus of Council that they should receive input from area residents in the form of a public hearing prior to the development of the park.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

90-05 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF GERALD PEGRAM FOR THE PARKS AND RECREATION S.W. RECREATION CENTER

WHEREAS, in connection with the Parks and Recreation S.W. Recreation Center, the property owned by Gerald Pegram, Tax Map No. 94-7035-933-37 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$29,000 per acre but due to the ideal location of the property, recent developments in the area, present market conditions, and scarcity of availability in this area, the owner has agreed to settle for the price of \$55,000 per acre for a total price of \$1,540,000, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$1,540,000.00 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from a Bond approved in 2000 for a South West Recreation Center.

(Signed) Sandy Carmany

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Mayor Holliday introduced an ordinance amending in the amount of \$786,000 Public Improvements (Public Facilities) Bond Fund and Equipment Services Fund and so that these matters could be discussed together, a resolution approving bid in the amount of \$2,771,374 and authorizing Contract No. 2005-29 with Hendrix & Corriher for the Hugh Medford Service Center Phase II Project.

After Deputy City Manager Johnson provided background information with respect to the project and funding, Councilmember Carmany moved adoption of the ordinance amending in the amount of \$786,000 Public Improvements (Public Facilities) Bond Fund and Equipment Services Fund. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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05-79 ORDINANCE AMENDING PUBLIC IMPROVEMENTS BOND FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- I. That the Public Improvements Bond Fund - Series 1998A Budget of the City of Greensboro be amended, increasing the expenditure appropriations, as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
436-2533-01.6013	Equipment Services Building Addition	\$786,000

And, that the following revenue account is increased:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
436-2533-01.9680	Transfer from Equipment Services Fund	\$786,000

- II. That the Equipment Services Bond Fund Budget of the City of Greensboro be amended, increasing the expenditure appropriations, as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
680-1005-01.6436	Transfer to Public Improvements Fund	\$786,000

And, that the following revenue account is increased:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
680-0000-00.8900	Appropriated Fund Balance	\$786,000

(Signed) Sandy Carmany

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Councilmember Gatten moved adoption of the resolution approving bid in the amount of \$2,771,374 and authorizing Contract No. 2005-29 with Hendrix & Corriher for the Hugh Medford Service Center Phase II Project. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

91-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-29  
WITH HENDRIX & CORRIHER FOR THE HUGH MEDFORD SERVICE CENTER PHASE II PROJECT

WHEREAS, after due notice, bids have been received for the Hugh Medford City Services Operation Center Phase II, Equipment Service Building “H” Addition;

WHEREAS, Hendrix & Corriher, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,771,374.00 as general contractor for Contract No. 2005-29, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Hendrix & Corriher is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$2,771,374 from Account No. 436-2533-01.6013 Activity Number 98014.

(Signed) Florence F. Gatten

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Mayor Holliday introduced an ordinance amending Chapter 18 of the Greensboro Code of Ordinances with respect to Nuisances—prohibiting the sale of drug stems intended for illegal drug use and establishing civil penalties for violations.

After Councilmember Phillips expressed his appreciation for the development of this ordinance, he suggested development of North Carolina State legislation that would include a list of drug paraphernalia items identified as illegal for stores to carry and a penalty resulting in loss of alcohol license for offenders. The City Attorney advised that this request could be added to the City’s legislative agenda.

Councilmember Vaughan recommended educational sessions with the District Attorney’s Office and judges so that offenders could be convicted.

The City Attorney noted that because an appeal process was necessary for civil penalties, there could be additional cost to the City.

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-80 AMENDING CHAPTER 18

AN ORDINANCE AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 18 of the Greensboro Code of Ordinances is hereby amended by adding a new Section following Section 18-46 to read as follows:

“Sec. 18-47 Sale of drug stem intended for illegal drug use.

(a) The sale of drug stems intended for illegal use is deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the City and is declared to be a civil violation subject to civil penalty.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Controlled substance* means any substance controlled by the North Carolina Controlled Substances Act as set forth in G.S. 90-86 et seq.

*Drug stem* means objects that facilitate the ingestion and/or inhalation of crack cocaine, crank methamphetamine or any other controlled substance as defined by the North Carolina Controlled Substances Act. A "drug stem" is further defined as a two- to six-inch-long tube, one-eighth-inch to three-quarter-inch in diameter and that is made of glass, metal or ceramic or any other material. Drug stems include, but are not limited to, glass vials or tubes which may contain novelty items of insignificant value or may contain items that are not, in the normal course of business, packaged in such a manner.

*Sell* and *sale* mean the commercial transfer of ownership, possession or use of a drug stem in the regular course of wholesale or retail business for consideration of any type.

(c) *Determination.* In determining whether an object is a drug stem, the following factors, in addition to all other relevant evidence, may be considered:

- (1) Statements by any person, owner, or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of any person, owner, or of anyone in control of the object, for violation of the federal or state controlled substances acts.
- (3) The proximity of the drug stem, in time and space, to a controlled substance.
- (4) The existence of any residue of a controlled substance on the drug stem.
- (5) The proximity of the drug stem to other drug paraphernalia as defined by the North Carolina Drug Paraphernalia Act as set forth in G.S. 90-113.20 et seq.
- (6) Instructions, oral or written, provided with the drug stem concerning its use.
- (7) Descriptive materials accompanying the drug stem explaining or depicting its use.
- (8) Advertising concerning its use.
- (9) The manner in which the drug stem is displayed for sale.
- (10) The existence and scope of legitimate uses of the drug stem in the community.
- (11) Expert testimony concerning whether the drug stem is primarily used for introducing a controlled substance into the human body.
- (12) The intent of the owner or other person in control of the drug stem to deliver it to persons whom he knows or reasonably should know intends to use the object to facilitate a violation of the North Carolina Controlled Substances Act.
- (13) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.

(d) *Sale of drug stem.* It is a violation of this section for any person or retail establishment to sell, or to possess with intent to sell, a drug stem knowing that it will be used to ingest, inhale or otherwise introduce into the human body a controlled substance.

(e) *Defense.* It is a defense to a violation of this section that the drug stem is primarily designed and used for a legitimate purpose unrelated to the ingestion of a controlled substance into the human body.

(f) *Enforcement.* The enforcement to this Ordinance is vested in the Greensboro Police Department.

(g) *Penalty; additional remedies.* The penalty and remedies for violation of this section shall be as follows:

- (1) *Civil Penalty; injunctive relief.* Any person who violates any subsection of this section shall be subject to a civil penalty of \$100.00 for each violation or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any subsection of this section, the superior court shall grant injunctive relief to restrain the violation. Failure to pay the civil penalty or file an appeal within 30 days after notification of the violation shall result in an additional penalty of \$100.00. The city shall establish procedures for the collection of the civil penalties and may enforce the penalties by a civil action in the nature of a debt.



Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct.

(2) *Continuing violations.* Each day of violation of any subsection of this section shall constitute a separate offense.

(3) *Forfeiture of drug stem.* Any item sold or possessed with the intent to sell by any person, after a court has adjudicated such an item to constitute drug paraphernalia as defined by this section, shall be subject to forfeiture of the drug stem to the city upon order of the court entered in any injunction proceedings instituted under the authority of this section or in a separate forfeiture action instituted by the city.

(4) *Responsible parties.* The owner or occupant of any land, building, structure, sign, use of land, or part thereof, and any contractor, employee, agent, or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies provided herein.

(g) *Nonjudicial administrative hearing.* The City of Greensboro shall establish an administration process to review objections to citations or penalties issued or assessed. A notice requesting a hearing to review objections shall be filed within thirty (30) days after notification of the violation. The individual desiring a hearing must post a bond equal to the amount of the civil penalty at the time of the request for a hearing. The determination of the hearing officer will be final. The decision of the hearing officer shall be hand delivered or mailed to the violator. Whenever the decision of the hearing officer upholds the civil penalty violation, the violator shall pay the civil penalty of one hundred dollars (\$100.00) within thirty (30) days after the final determination as indicated by the date on the determination. The hearing officer's decision is subject to review in the superior court of the county by proceedings in the nature of certiorari.

Section 2. That all laws and clauses of laws in conflict of the provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced the following resolution which was read by title and summarized by the City Attorney:

RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO, AND DIRECTING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF, THE ISSUANCE AND PRIVATE SALE OF CITY OF GREENSBORO, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE BONDS, SERIES 2005A AND SERIES 2005B, AND REQUESTING THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING TEAM IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the "City"), acting by and through its City Council, is authorized by The State and Local Government Revenue Bond Act of North Carolina, Article 5 of Chapter 159 of the North Carolina General Statutes, as amended (the "Act"), and particularly Sections 159-83(a)(5) and 159-81(3)a and b thereof, to issue revenue bonds for the purpose of financing the cost of acquisition, construction, reconstruction, enlargement, equipping, extension, betterment or improvement of facilities for obtaining, conserving, treating and distributing water for domestic or industrial use, irrigation, sanitation, fire protection, or any other public or private use and the collection, treatment, purification or disposal of sewage and to refund revenue bonds issued for such purposes; and

WHEREAS, the City owns and operates facilities for the production, collection, treatment, transmission and distribution of water and the collection, transmission, treatment and disposal of sewage; and

WHEREAS, the City proposes to issue its Combined Enterprise System Revenue Bonds, Series 2005A and Series 2005B (collectively, the "Series 2005 Bonds") in an aggregate principal amount not exceeding \$75,000,000, for the purpose of providing funds, together with other available funds, to (i) refund all of the City's Combined Enterprise System Revenue Bonds, Series 1995A that are stated to mature after June 1, 2005 (the "Bonds to be Refunded"), (ii) pay the cost of certain improvements to the City's water system and sanitary sewer system (collectively, the "2005 Projects"), (iii) pay a portion of the interest on the Series 2005 Bonds during the period of construction of the 2005 Projects and for not exceeding six months thereafter and (iv) pay certain costs incurred in connection with the issuance of the Series 2005 Bonds; and

WHEREAS, the City wishes to obtain the approval by the Local Government Commission of North Carolina (the "LGC") of the financing team to be used in connection with the issuance and sale of the Series 2005 Bonds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. The City Council hereby finds and determines in connection with the issuance of the Series 2005 Bonds that (i) the issuance of the Series 2005 Bonds is necessary or expedient for the City, (ii) the proposed principal amount of the Series 2005 Bonds is adequate and not excessive for the proposed purposes of such issue, (iii) the 2005 Projects are feasible, (iv) the City's debt management procedures and policies are good and the City's finances are managed in strict compliance with law and (v) under current economic conditions, the Series 2005 Bonds can be marketed at a reasonable interest cost to the City.

Section 2. The City Council hereby authorizes the filing of an application with the LGC for approval of the issuance of the Series 2005 Bonds pursuant to N.C.G.S. §159-86 and hereby directs Richard L. Lusk, Finance Director of the City, as the representative of the City, to file such application with the LGC.

Section 3. The LGC is hereby requested to sell the Series 2005 Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such price as the LGC determines to be in the best interest of the City, subject to the approval of the City.

Section 4. The City Council hereby recommends the following financing team members be engaged in connection with the issuance and sale of the Series 2005 Bonds and requests the approval of the LGC thereof:

Co-Bond Counsel	Sidley Austin Brown & Wood LLP The Steve Allen Law Firm
Underwriters for the Series 2005A Bonds	Banc of America Securities LLC Legg Mason Wood Walker, Incorporated
Underwriter for the Series 2005B Bonds	Banc of America Securities LLC
Underwriters' Counsel	Womble Carlyle Sandridge & Rice, PLLC
Feasibility Consultant	Black & Veatch International Company
Financial Advisor	DEC & Associates, Inc.
Trustee and Bond Registrar	First-Citizens Bank & Trust Company
Tender Agent for the Series 2005B Bonds	First-Citizens Bank & Trust Company
Remarketing Agent for the Series 2005B Bonds	Banc of America Securities LLC
Liquidity Provider for the Series 2005B Bonds	Bank of America, N.A.

Section 5. This resolution shall take effect immediately upon its passage.

The City Attorney then announced that she had approved as to form the foregoing resolution.

After consideration of the foregoing resolution, Councilmember Johnson moved the passage thereof, which motion was duly seconded by Councilmember Carmany, and the foregoing resolution was passed by roll call vote, as follows:

Ayes: Councilmembers Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

The Mayor then announced that the foregoing resolution had been passed by a vote of 9 to 0.

(Signed) Yvonne Johnson

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Thereupon Mayor Holliday introduced the following resolution, which was read by title and summarized by the City Attorney:

**RESOLUTION AUTHORIZING THE REDEMPTION  
OF COMBINED ENTERPRISE SYSTEM REVENUE BONDS, SERIES 1995A**

WHEREAS, the City of Greensboro, North Carolina (the "City") has heretofore issued its \$40,000,000 Combined Enterprise System Revenue Bonds, Series 1995A (the "1995A Bonds") for the purpose of financing improvements to the City's water and sewer system; and

WHEREAS, in order to achieve debt service savings, the City proposes to authorize the issuance of its Combined Enterprise System Revenue Bonds, Series 2005B (the "2005B Bonds"), for, among other things, the purpose of refunding the 1995A Bonds that are stated to mature on June 1 in the years 2006 to 2010, inclusive, 2015 and 2019 (the "Refunded Bonds"); and

WHEREAS, the refunding plan contemplates the redemption, on June 1, 2005, of the Refunded Bonds, such redemption to be expressly conditioned upon the receipt of the proceeds of the 2005B Bonds on or prior to that date; and

WHEREAS, it is necessary for the City Council to authorize the redemption of the Refunded Bonds; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The redemption of the Refunded Bonds on June 1, 2005 is hereby authorized; provided, however, that such redemption is expressly conditioned upon the receipt by the City, on or before June 1, 2005, of the proceeds of the 2005B Bonds.

Section 2. First-Citizens Bank & Trust Company, as trustee (the "Trustee") under the Trust Agreement, dated as of June 1, 1995 (the "Original Trust Agreement"), as amended by the First Amendatory Trust Agreement, dated as of May 1, 2001 (the "First Amendatory Trust Agreement"), and the Second Amendatory Trust Agreement, dated as of July 1, 2003 (the "Second Amendatory Trust Agreement" and, together with the Original Trust Agreement and the First Amendatory Trust Agreement, the "Trust Agreement"), each by and between the City and the Trustee, and as supplemented by the First Supplemental Trust Agreement, dated as of June 1, 1995 (the "First Supplemental Trust Agreement") is hereby directed to give notice of such redemption in the manner provided in the Trust Agreement and the First Supplemental Trust Agreement, such notice to be in substantially the following form:

**NOTICE OF REDEMPTION**

City of Greensboro, North Carolina  
Combined Enterprise System Revenue Bonds, Series 1995A

\$1,465,000 6.50% Serial Bonds maturing June 1, 2006, CUSIP 395468 AK 7  
\$1,635,000 5.00% Serial Bonds maturing June 1, 2007, CUSIP 395468 AL 5  
\$1,755,000 5.10% Serial Bonds maturing June 1, 2008, CUSIP 395468 AM 3  
\$1,805,000 5.10% Serial Bonds maturing June 1, 2009, CUSIP 395468 AN 1  
\$2,020,000 5.20% Serial Bonds maturing June 1, 2010, CUSIP 395468 AP 6  
\$11,145,000 5.30% Term Bonds maturing June 1, 2015, CUSIP 395468 AQ 4  
\$11,245,000 5.375% Term Bonds maturing June 1, 2019 CUSIP 395468 AR 2

NOTICE IS HEREBY GIVEN by the City of Greensboro, North Carolina (the "City") that all of the City's outstanding Combined Enterprise System Revenue Bonds, Series 1995A, dated June 1, 1995, described above (the "Bonds"), are hereby called for redemption on June 1, 2005.

Each of the Bonds so called for redemption will be redeemed at a redemption price equal to 102% of the principal amount thereof plus accrued interest to the date of redemption.

The redemption price of the Bonds will be payable upon the presentation and surrender of the Bonds at the corporate trust office of the Trustee, First-Citizens Bank & Trust Company, 100 East Tryon Road, DAC-61, Raleigh, North

Carolina 27603. Interest on the Bonds so called for redemption to, but not including, June 1, 2005 will be paid in the manner provided for in the Bonds. Interest on the Bonds called for redemption will cease to accrue on June 1, 2005.

The redemption of the Bonds is expressly conditioned upon the receipt by the City, on or before June 1, 2005, of the proceeds of the City's Combined Enterprise System Revenue Bonds, Series 2005B in an amount sufficient to effect the redemption of the Bonds. If such proceeds are not received as aforesaid, the redemption of the Bonds will not take place.

Under current federal law, a paying agent making payments of principal and interest on municipal securities may be obligated to withhold tax from the remittances to registered owners who are not "exempt recipients" and who fail to furnish the paying agent with a valid Taxpayer Identification Number. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Registered owners of the Bonds who wish to avoid the imposition of this tax should submit certified Taxpayer Identification Numbers when presenting their Bonds for collection.

Dated this 25th day of April, 2005.

CITY OF GREENSBORO, NORTH CAROLINA

By: First-Citizens Bank & Trust Company,  
as Trustee

Neither the City nor the Trustee shall be responsible for the selection or use of the CUSIP numbers, nor is any representation made as to their correctness as set forth in this notice of redemption or on any Bond. The CUSIP numbers are included solely for the convenience of the registered owners of the Bonds.

Section 3. This resolution shall take effect immediately upon its passage.

The City Attorney then announced that she had approved as to form the foregoing resolution.

After consideration of the foregoing resolution, Councilmember Johnson moved the passage thereof, which motion was duly seconded by Councilmember Burroughs-White and the foregoing resolution was passed by roll call vote, as follows:

Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan.

Noes: None.

The Mayor then announced that the foregoing resolution has been passed by a vote of 9 to 0.

(Signed) Yvonne Johnson

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Mayor Holliday stated Council would discuss a request received from speakers at the March 15, 2005 City Council meeting for support of the Greensboro Truth and Reconciliation Project. After the Mayor stated he had sent a memo to Council to let them know that his office had received petitions requesting Council to support the project, he distributed and read a lengthy prepared statement that detailed his professional experience with the justice system and personal perspective on the events of and surrounding the November 3, 1979 Death to the Klan march. Included in his statement, Mayor Holliday noted his empathy to those who still felt hurt from these events, but recommended an alternative process similar to a symposium on democracy conducted annually by Kent State University as a means to revisit and learn from these past events. (A copy of the Mayor's statement is filed in Exhibit Drawer P, Exhibit Number 6 and is hereby referred to and made a part of the minutes).

Councilmember Vaughan spoke to his perception that healing had occurred over the past 25 years. He expressed agreement with the Mayor and noted personal concerns with regard to no subpoena power, governmental immunity and process for testimony; he stated he did not feel the City should be involved in the process.

Councilmember Johnson spoke to her professional experience with the justice system and her personal belief in the power of restorative justice processes in terms of healing. After sharing accounts of personal experiences during her

childhood involving the Ku Klux Klan, Councilmember Johnson stated she supported the idea of truth, reconciliation and healing by sharing personal statements with the Truth and Reconciliation Commission.

Councilmember Burroughs-White noted her professional background in the court system and shared her personal perspective with respect to the significance of the 1979 march and subsequent events. She spoke to the number of signatures received in support of the Truth and Reconciliation Project, shared her opinion that institutional racism needed to be addressed in Greensboro, and encouraged the Commission to seek truth and be dedicated to the task of healing and reconciling.

Councilmember Bellamy-Small shared quotes from various authors, personal experiences, and her personal opinions with respect to dualism in Greensboro's society. She expressed her support for the project for community healing from November 3, 1979 events.

Councilmember Phillips strongly disagreed that the 1979 events were an ongoing divisive issue among Greensboro citizens and cited examples of the justice issues that he was aware of that had been identified by citizens over past years. He stated he did not believe the City Council should be involved in or endorse the project.

Councilmember Gatten distributed copies of a prepared statement explaining her opposition to Council's endorsement of the Truth and Reconciliation Project. She expressed concern with regard to the context of the project, sources and uses of funding, group factions within the project, motives, inclusiveness, and other aspects of the process.

(A copy of Councilmember Gatten's statement is filed in Exhibit Drawer P, Exhibit Number 6 and is hereby referred to and made a part of the minutes.)

Councilmember Carmany expressed agreement with the Mayor's remarks. She questioned what role Council had in endorsing the project, expressed concern with regard to the objectivity of those currently involved in the project and advised that she did not intend to hinder or assist the process.

Councilmember Perkins noted his efforts to understand the issues and request of the Commission and Project. He spoke to his respect for others' decisions to spend their time on this subject and pointed out that it was also his right not to spend his time focusing on this subject.

The Mayor stated that speakers from the floor would be heard on this matter.

Greg Headen, residing at 914 Ross Avenue stated he was co-chairman for the local task force and thanked Council for sharing their views on this subject. He read a letter sent to members of Council following the March 15, 2005 Council meeting, urging their support of the Commission.

Zee Holler, residing at 113 South Tremont Drive, shared personal opinions with respect to the difficulty of this process and the suffering of survivors of the November 3, 1979 march. He encouraged citizens and City officials to work together on the project to achieve community healing.

Chip Marble, residing at 1519 New Garden Road, shared information with respect to his personal experiences in Greensboro and other locations in which he had resided. He expressed disagreement with Council members who did not wish to take a position in support of the Truth and Reconciliation Project.

Angus McGregor, residing at 1313 McDowell Drive, spoke to the history of his experience with conflict resolution, shared his opinion with respect to the value of dealing with conflict, and encouraged reconciliation.

John Vasantos, residing at 753 B Chestnut Street, spoke to his involvement with the project and shared his perception with regard to the voting record of Council and the proportion of Greensboro residents who supported the work of the Commission. He encouraged Council to support the process.

Councilmember Gatten suggested specific methods to gain a more detailed analysis of data that would accurately depict Council voting records and the proportion of Greensboro residents who signed the petition.

William Shand, residing at 1115 W. McGee Street, shared his opinion that significant support existed in the community, including foundations in North Carolina that supported this effort. Councilmember Gatten noted she had requested this information and that it had not been provided. Mr. Shand shared personal thoughts with respect to the expression of opinions by some members of Council and the objectives of several members of the Commission.

Nelson Johnson, residing at 2115 Murrayhill Road, spoke to his life's work and motives. He shared personal opinions with regard to the November 3, 1979 event and subsequent events.

Councilmember Burroughs-White proposed to Council a resolution expressing Council's support of the Truth and Reconciliation Project. The motion was seconded by Councilmember Bellamy Small.

The Mayor proposed Council consider an amended resolution.

Councilmember Phillips stated he would not support any resolution that could be construed as endorsement of the Project and stated he had been told a resolution would not be brought up at this meeting.

Councilmember Perkins concurred that he had hoped to offer no resolution, but because he would not support a resolution supporting the Project, he offered a substitute motion that Council oppose the Truth and Reconciliation Program. The motion was seconded by Councilmember Phillips.

The Mayor requested a motion to table the original and substitute motions to allow Council time for additional consideration. No action was taken.

Councilmember Burroughs-White advised that she did not oppose the Mayor's suggested amendments to her resolution.

Council discussed their personal opinions and other information pertaining to positive or negative aspects of taking a formal position about the Truth and Reconciliation Project.

After the City Attorney affirmed that Council needed to vote on whether or not to make the substitute motion offered by Councilmember Perkins the main motion, the substitute motion was made the main motion on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: Bellamy-Small, Burroughs-White, and Johnson.

Council thereupon voted on the main motion, to oppose the Truth and Reconciliation Program. The motion was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Perkins, Phillips and Vaughan. Noes: Bellamy-Small, Burroughs-White, and Johnson.

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Councilmember Johnson moved that Goldie Wells be appointed to the Library Board to fill the position formerly held by Elizabeth Stoffer; this term will expire 8/15/07. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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Councilmember Vaughan stated that due to the lateness of the meeting, he would defer the need to discuss a court case related to the eight mile loop. The City Attorney stated that the Outer Loop can be zoned.

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Council discussed recent and future community events of interest.

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Councilmember Bellamy-Small requested crime to be reported district wide in a balanced manner.

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Councilmember Gatten provided an update on Council action taken with respect to historic district and development uses in historic districts that were now serving as models around the country. She recognized Mike Cowhig and Stefan Leigh Kuns of the Housing and Community Development Department for their origination of the model and their outstanding spirit of cooperation.

Mayor Holliday added the name of Tony Burks to the boards and commissions data bank for consideration for future service.

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Councilmember Johnson moved that the meeting be adjourned. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

The Council meeting was adjourned at 12:52 a.m. on April 20, 2005.

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Susan E. Crotts  
Deputy City Clerk

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Keith A. Holliday  
Mayor

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